BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025030059

ORDER GRANTING REQUEST FOR RECONSIDERATION AND, UPON RECONSIDERATION, ORDER AFFIRMING STUDENT'S MOTION FOR CONTINUANCE, SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

MARCH 21, 2025

On March 12, 2025, Student filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH.

On March 14, 2025, the undersigned Administrative Law Judge issued an order granting Student's motion to continue. On March 17, 2025, Saddleback Valley Unified School District filed a motion for reconsideration and opposition to the motion to continue. OAH did not receive a response from Student.

SADDLEBACK VALLEY UNIFIED'S MOTION FOR RECONSIDERATION

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

Saddleback Valley Unified offers new circumstances to support reconsideration. OAH issued the order granting Student's motion to continue two business days following the March 12, 2025 filing of the motion. Parties typically have three business days to respond to a motion and, therefore, the filing of Saddleback Valley Unified's opposition within three business days, on March 17, 2025, was timely.

The motion for reconsideration is granted and Saddleback Valley Unified's opposition is considered in ruling on the Student's motion to continue.

STUDENT'S MOTION TO CONTINUE

Student seeks a continuance of the due the process hearing from March 25-27, 2025, to June 3-5, 2025, due to scheduling conflicts caused by earlier filed cases.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint, unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative

Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a reasonable opportunity to prepare for trial regarding the new party's involvement;
- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

On reconsideration, the order granting the motion to continue is confirmed. Student established good cause to continue the due process hearing from March 25-27, 2025 to June 3-5, 2025 due to conflicts with earlier file cases. Student's motion is supported by the declaration of Student's attorney, Timothy Adams. Mr. Adams represents that he is the attorney, and a necessary participant, in eight, earlier filed cases

set for hearing on March 25-27, 2025. Mr. Adams also represents that he is unavailable until June 3, 2025 due to conflicts with other OAH cases, which he cites in his declaration. In reviewing each cited case, they are all earlier filed cases. Earlier filed cases generally have priority over later filed cases.

Saddleback Valley Unified contends in opposition that mere participation in earlier filed cases by Student's attorney is not good cause. However, Mr. Adams is not a mere participant, but the attorney of record, in eight earlier filed cases with a conflict on the originally scheduled hearing dates. Saddleback Valley Unified also contends that the length and specific dates of the requested continuance would cause unnecessary delay and undue burden, given that June 3-5, 2025 conflicts with end-of-school year obligations for both the school district and its chosen counsel. However, Mr. Adams is unavailable to represent Student in this matter until June 3-5, 2025 due to earlier filed cases, and like Saddleback Valley Unified, Student is entitled to request its chosen representation. Saddleback Valley Unified did not offer any specific alternative dates for continuance or provide good cause for an additional continuance. Nothing in this order prevents Saddleback Valley Unified from filing a motion to continue.

ORDER

1. Saddleback Valley Unified's motion for reconsideration is granted.
2. Upon reconsideration, Student's motion to continue is affirmed.
3. All dates are vacated. This matter is set as follows:

   PREHEARING CONFERENCE will be held on May 23, 2025, at 1:00 PM.

   DUE PROCESS HEARING will be held on June 3, through June 5, 2025.

The prehearing conference, and due process hearing will be held by videoconference or telephone, unless otherwise ordered. The due process hearing will

begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, at the discretion of the Administrative Law Judge. Prehearing conference statements and motions are due no later than three business days before the prehearing conference. Late motions will only be considered if good cause is established for the late filing.

The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings